

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE: Joseph Edward Hyson, Jr.

Case No. 22-10169
CHAPTER 13

DEBTOR.

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE FOR 180 DAYS

Andrea E. Celli, Chapter 13 Standing Trustee (the "Trustee"), states the following as and for her Motion to dismiss this case with prejudice to the refiling for a period of one hundred and eighty (180) days:

1. On or about March 3, 2022, the above debtor filed a voluntary petition for relief under Chapter 13 (the "Petition").
2. The debtor has not appeared telephonically at the initial or adjourned 341 meeting.
3. To date, the debtor has not filed a chapter 13 plan or other required schedules and has remitted no good faith payment to the Trustee. To date, debtor's only additional filing is a motion requesting sanctions for violation of the automatic stay.
4. Before this case was filed, debtor filed one (1) previous Chapter 13 case which was dismissed based upon default in plan payments:

18-10931 Joseph E. Hyson, Jr. Dismissed April 15, 2021 after confirmation

In light of the debtor's knowledge and experience with the Chapter 13 process and on the basis of the debtor's default in filing the necessary sworn schedules, statements and plan or remitting any Chapter 13 plan payments, the Trustee asserts that the debtor is not proceeding in good faith and requests entry of an Order pursuant to section 1307(c) of the U. S. Bankruptcy Code (11 U.S.C.

§1307(c)) dismissing this case with prejudice to prevent refiling for a period of 180 days as well as such other and further relief as the court may deem just and proper.

Respectfully submitted,

Dated: June 1, 2022

/s/ Andrea E. Celli
Andrea E. Celli, Esq.
Chapter 13 Standing Trustee
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